

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

**FIRST SOLAR ELECTRIC, LLC,**

**Plaintiff,**

**v.**

**ZURICH AMERICAN INSURANCE  
COMPANY,**

**Defendant.**

**CASE NO: 5:2021-CV-00408**

**DEFENDANT ZURICH AMERICAN INSURANCE COMPANY’S MOTION TO  
DISMISS PURSUANT TO RULE 12(b)(6)**

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendant Zurich American Insurance Company (“Zurich”) hereby moves to dismiss with prejudice Plaintiff’s Complaint (“Complaint”) for failure to state a claim. Zurich is filing contemporaneously herewith a memorandum of law in support of this motion.

Respectfully submitted, this 7<sup>th</sup> day of December, 2021.

Akerman LLP  
999 Peachtree Street, NE  
Suite 1700  
Atlanta, Georgia 30309  
(404) 733-9809 – Telephone  
(404) 733-9909 – Facsimile

/s/ Anthony W. Morris

Anthony W. Morris  
Georgia Bar No. 523495  
anthony.morris@akerman.com  
Kamber S. Burke  
Georgia Bar No. 787321  
kamber.burke@akerman.com

*Counsel for Zurich American Insurance  
Company*

**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing **DEFENDANT ZURICH AMERICAN INSURANCE COMPANY'S MOTION TO DISMISS PURSUANT TO RULE 12(b)(6)** with the Clerk of Court using the CM/ECF system which will send a true and correct copy of the foregoing to the following attorneys of record:

F. Faison Middleton, IV  
Watson Spence LLP  
P.O. Box 2008  
Albany, GA 31702-2008

Richard H. Monk III  
Emily M. Ruzic (pro hac vice application forthcoming)  
Bradley Arant Boulton Cummings LLP  
One Federal Place  
1819 Fifth Avenue North  
Birmingham, AL 35203-2119

Alex Purvis (pro hac vice application forthcoming)  
Bradley Arant Boulton Cummings LLP  
One Jackson Place  
Suite 1000  
188 E. Capitol Street  
Jackson, MS 39201

This 7<sup>th</sup> day of December, 2021.

Akerman LLP  
999 Peachtree Street, NE  
Suite 1700  
Atlanta, Georgia 30309  
(404) 733-9809 – Telephone  
(404) 733-9909 – Facsimile

/s/ Anthony W. Morris

Anthony W. Morris  
Georgia Bar No. 523495  
anthony.morris@akerman.com

*Counsel for Zurich American Insurance  
Company*